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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,590	06/27/2003	Michael Weidner	KN-55	5980
7590 Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017			EXAMINER WILLIAMS, KIMBERLY A	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/607,590

**Applicant(s)**

WEIDNER

**Examiner**

Kimberly A. Williams

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- KAW 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/3/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6 and 8 are objected to because of the following informalities:  
Regarding claim 6, line 2, "te" should be ~~the~~. Regarding claim 8, last line, "consider" should be ~~considered~~. Appropriate correction is required.
2. Claims 8 and 9 are objected to under 37 CFR 1.75(d) because "the black content" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification indicates that the method is repeated as often as needed until the spacing drops below a predetermined color value (pub para. 54). However claim 2 recites that the steps are repeated until the predetermined number of repetitions has been reached or the spacing drops below a predetermined "error" value. This does not appear to be the same as the disclosure. Claims 3 and 4 are rejected for depending on claim 2.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimia (US 6924908).

Regarding **claim 1**, Kimia teaches a method for generating a color match between a target object (target color; fig. 8, step 132) having a plurality of different target color values and a source object (sample color), the method comprising the steps of:

- a) generating for the target object a target color space with target color locations to be correlated with target color values (target identifier; step 134);
- b) generating for the source object a source color space having a plurality of source color locations, wherein the source color locations are correlated with a source color value, respectively (source identifiers; step 136);
- c) determining for each target color location within the source color space a position in the vicinity of a similar source color location (a set of color space distances based on the target and source identifiers; step 136);
- d) determining the spacing of the position of the target color location from the similar source color location (step 136); and
- e) based on the spacing, changing the source color value correlated with the similar source color location (step 138).

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Regarding **claim 5**, Kimia teaches several of the source color locations (fig. 5, 102-1, 102-2) are determined for the target color location (104), wherein the source color locations envelopes the target color location, wherein one of the source color locations is the similar source color location.

Regarding **claim 6**, Kimia teaches that from the source color locations (102-1, 102-2) enveloping the target color location a linear combination with linear factors is formed and the linear factors are used for changing the source color value corresponding to the similar source color location.

Regarding **claims 7-9**, Kimia teaches that CMYK and RGB may be used (col. 15, lines 49-53), which reads on the step of determining a black content when generating the target color space and the source color space; the step of representing the color values as a four-dimensional field and the color space as a three-dimensional field, respectively, when the black content is not considered; and the step of representing the color values as a four-dimensional field and the color space as a four-dimensional field, respectively, when the black content is considered.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimia in view of Govaert (US 5692071).

Regarding **claim 10**, Kimia fails to specifically disclose that the target color locations and the source color locations are determined based on the target color values and the source color values by a spectroscopic method, respectively. Govaert teaches that the target color and the color identical or closest to the target color which is measured with a colorimeter or spectrophotometer (col. 5, lines 1-34). Kimia could be modified with the spectrophotometer as taught by Govaert. This modification would have been obvious to one of ordinary skill in the art at the time of the invention since Kimia teaches that the target color signal may arrive through an I/O interface (56; col. 8, lines 43-47).

#### ***Allowable Subject Matter***

9. Claims 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

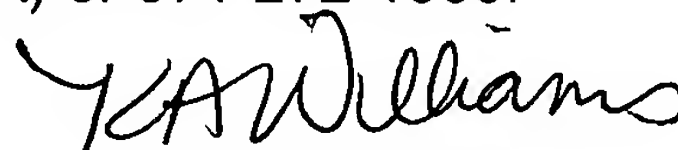
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly A Williams  
Primary Examiner  
Art Unit 2625

KAW  
June 25, 2007